
OLR Bill Analysis

SB 986

AN ACT CONCERNING THE APPLICABILITY OF PROBATE COURT ORDERS TO STATE AGENCIES.

SUMMARY:

This bill requires state agencies to recognize, apply, and enforce any probate court orders, denials, or decrees that apply to agency determinations in contested cases. It allows state agencies aggrieved by such a probate court decision to appeal to Hartford Superior Court.

The bill is not limited to cases where a state agency is a party to probate court proceedings. Thus, it is unclear how agencies would be aggrieved by the court's decision or have standing to file an appeal.

EFFECTIVE DATE: October 1, 2013

STATE AGENCY APPEALS OF PROBATE DECISIONS

Under the bill, state agency appeals of probate decisions must generally follow the same procedures as apply to most other probate appeals. But unlike probate appeals for most other matters, state agency appeals under the bill must be brought to Hartford Superior Court, rather than the superior court where the probate district is located.

Also, as is currently the case for certain probate appeals, the bill:

1. requires hearings on such an appeal to begin within 90 days after the appeal is filed, unless the probate court or Superior Court has granted a stay and
2. prohibits the Superior Court from referring the appeal to a special assignment probate judge.

DEFINITIONS

Under the bill, a “state agency” refers to an agency as defined in the Uniform Administrative Procedure Act (UAPA). The bill also uses the UAPA’s definition of contested case.

Under the UAPA, an agency is a state board, commission, department, or officer authorized by law to make regulations or to determine contested cases. The term does not include the House, Senate, or any legislative committee; the courts; the Council on Probate Judicial Conduct; the governor, lieutenant governor, or attorney general; town or regional boards of education; or automobile dispute settlement panels.

A contested case is a proceeding in which a party’s legal rights, duties, or privileges are required by state statute or regulation to be determined by an agency after an opportunity for a hearing or in which a hearing is held. The term specifically includes rate-making, price fixing, and licensing. It does not include proceedings on a petition for a declaratory ruling; hearings on proposed agency regulations; or hearings conducted by the Department of Correction or the Board of Pardons and Paroles (CGS § 4-166).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/19/2013)